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Report of the United Nations High Commissioner for Human Rights

"Making human rights a reality"

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Introduction

1. During the commemoration of the 50th Anniversary of the United Nations, Member States identified human rights as a central issue for the future agenda of the Organization and of the world community in general. This consensus constitutes both an important challenge and a major responsibility for the United Nations.

2. Recent experience has confirmed that the human rights programme of the United Nations must be adapted to the realities of the post-Vienna period and respond to the increasing demands for more effective human rights promotion and protection around the world.

3. Implementation of international human rights standards must be pursued with equal vigour in relation to economic, social and cultural rights, and to civil and political rights. The right to development must be accorded priority. A balanced and properly integrated approach to human rights must include ratification of international human rights instruments, constitutional and legislative reform, national institution building, implementation of all international human rights standards and human rights education and training. Action will be most effective if it is undertaken in close cooperation with the relevant agencies of the United Nations system. The support of the wider human rights community, including NGOs, will be essential to meet these challenges.

4. In order to be effective, the United Nations human rights programme must achieve a higher degree of professionalism through both reform and reorganization of its structure. The High Commissioner is giving the highest priority to establishing full confidence in the programme and giving greater credibility to its capacity for action.

5. At the same time, the effectiveness of the United Nations human rights programme depends on the political will of Member States and other partners in this endeavour, accompanied by adequate economic and financial support. In the final analysis, the programme can work successfully only with the full commitment of Member States and their willingness to assume the corresponding political and financial responsibilities.

6. The Office of the High Commissioner for Human Rights is a new institution which came into being at almost the same time as the United Nations programmes and agencies were celebrating their fiftieth anniversary. The first High Commissioner is now at the mid-point of his four-year mandate. During these two years he has sought to improve the promotion and protection of human rights by generating dynamism and innovation and more effective coordination throughout the various sectors of the United Nations human rights programme.

7. He has established a dialogue on human rights at the highest levels of government, and with regional and national institutions worldwide. He has acted both preventively and in response to major human rights challenges. He has created a point of reference and cooperation for human rights institutions and experts, both within and outside the United Nations framework. He has also developed a positive and constructive dialogue with the NGO community, which has resulted in a better partnership in connection with United Nations human rights activities.

8. Human rights questions have, appropriately, been on the agenda of all main global activities or conferences of the United Nations. In this connection, the High Commissioner has taken action to ensure that existing United Nations human rights standards are maintained. This was the case with respect to the Fourth World Conference on Women, held in Beijing in 1995, the World Summit for Social Development, held in Copenhagen, also in 1995, and the forthcoming Habitat II meeting in Istanbul. High priority has been given to increasing cooperation and coordination in human rights activities, particularly at the field level.

9. Outside the United Nations, human rights matters have been discussed with the Group of 7 major industrialized countries and the Non-Aligned Movement at their summit meetings, as well as with the Organization of American States, the Organization of African Unity (OAU), the Association of South-East Asian Nations, European Union, the Commonwealth of Independent States, the Rio Group and in other important regional and subregional forums.

10. Parallel to this, the High Commissioner has initiated and vigorously pursued the restructuring of the Centre for Human Rights with the aim of ensuring a secretariat capable of providing the highest standards of work to respond effectively to an ever-growing number of mandates and human rights challenges around the world.

11. The Commission on Human Rights is a unique world forum the primary objective of which must be to make the enjoyment of human rights a reality for all people. This can only be achieved by translating principles and norms into concrete deeds affecting the way people live. In doing so, the Commission on Human Rights can also give greater impetus to the initiatives being undertaken by the High Commissioner. It is essential that the Commission, as the most important forum dedicated to human rights, accord the High Commissioner the support needed to forge greater determination in promoting and protecting all human rights.

12. This report reflects policy orientation and guiding elements for the High Commissioner's action over the next two years. It also presents a brief summary of the High Commissioner's activities since he submitted his report (A/50/36) to the General Assembly at its fiftieth session.

I. WORKING TOGETHER FOR HUMAN RIGHTS

A. Cooperation with Governments

13. As mandated by the General Assembly, the High Commissioner continued his dialogue with Governments for the promotion and protection of human rights. His visits to countries are not investigative in nature and thus, in undertaking them, he does not in any way attempt to duplicate the work of the special rapporteurs or other mechanisms of the Commission on Human Rights. His main objective is to achieve concrete results in the field of human rights. To talk frankly and openly of human rights issues and action is necessary to enhance the observance or enjoyment of human rights. Persuasion has proved to be an effective tool in a number of circumstances.

14. In order to pursue such dialogue with Member States on human rights matters, the High Commissioner has undertaken missions to Burundi (three times), Rwanda (three times), and to Austria, Australia, Bhutan, Cambodia (two times), Canada, Colombia, Costa Rica, Cuba, Denmark, Estonia, Finland, Germany, Japan, the Holy See, India, Indonesia, Italy, Latvia, Lithuania, Malawi, Nepal, Norway, Panama, the Republic of Korea, Spain, Sweden and the United States of America. In his dialogue with Governments, the High Commissioner emphasizes their obligation to promote and protect all human rights and follows up on the recommendations made by the treaty bodies, the country or thematic rapporteurs and the other mechanisms of the Commission on Human Rights concerning the country in question. The High Commissioner also consults or receives information from NGOs before, during and after each visit.

15. In the context of his visits, the High Commissioner also encourages and facilitates the ratification of international human rights instruments and the identification of obstacles to the full realization of all human rights, including the right to development. He makes available United Nations assistance to Governments so as to ensure the widest possible enjoyment of all rights through the provision of expert advice, technical assistance, cooperation and the building up of the necessary human rights infrastructures.

16. This dialogue is beginning to bear fruit and to increase the possibility of individuals and groups enjoying their human rights and fundamental freedoms.

B. Cooperation with regional and other forums

17. The High Commissioner drew the importance of coordination on human rights to the attention of the Ministers for Foreign Affairs of the Group of 7 major industrialized countries during their meeting at Halifax in June 1995. In his concluding statement, the Chairman of the meeting, the Prime Minister of Canada, expressed support for the coordinating role of the High Commissioner within the United Nations system on human rights matters. On the occasion of the Group of 7 Summit in Naples in July 1994, its Chairman, the Prime Minister of Italy, expressed support for the Office of the United Nations High Commissioner for Human Rights and for the strengthening of international mechanisms for the promotion and protection of human rights everywhere, including the rights of persons belonging to national minorities.

18. During the first two years of his mandate, the High Commissioner has improved cooperation and dialogue on human rights matters with regional organizations, in particular OAU, the OAS, the Commission of the European Communities, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). In this context, it is worth noting that the Commission of the European Communities has agreed to provide highly qualified personnel, fully equipped, to the United Nations field operation in Rwanda. The High Commissioner is pleased that this support, which began in 1995, has been extended to mid-1996. The Commission of the European Communities has also agreed to give financial support to the preventive human rights action of the High Commissioner in Burundi.

19. With respect to OSCE, the High Commissioner wishes to stress the important cooperative endeavours already under way in connection with the implementation of the Dayton Peace Agreements in the territory of the former Yugoslavia, especially in Bosnia and Herzegovina. A similar cooperative arrangement is being explored with regard to the human rights situation in Abkhazia, Georgia.

C. Cooperation with national institutions

20. In the Vienna Declaration and Programme of Action the World Conference on Human Rights encouraged the establishment and strengthening of national institutions. The High Commissioner has, accordingly, attached particular priority to this issue, viewing national institutions as mechanisms which can bridge the gap that frequently separates the most vulnerable and disadvantaged individuals from traditional means of protection. One of the most rapidly expanding areas of activity of the Office of the High Commissioner, therefore, has been the work being conducted on national institutions, regional arrangements and preventive strategies.

21. In 1995 the High Commissioner brought to his Office an expert in the establishment and strengthening of national institutions to promote and protect human rights. Cooperation with such national institutions has been one of the most productive areas in which the Office has been able to assist Governments in their efforts to improve the human rights situation in their countries. The High Commissioner considers the establishment of effective national institutions to be one of the most critical factors for the safeguarding of human rights and has therefore given the highest priority to the creation of institutions dedicated to ensuring that the realization of human rights, including economic, social and cultural rights, becomes an integral part of the fabric of all societies and is adequately reflected in their affairs at every level.

22. An increasing number of Member States are seeking assistance in establishing national human rights institutions from the Office of the High Commissioner. This spirit of cooperation augurs well for an even closer partnership with Governments and others to make further substantial progress in this area.

23. In the period covered by the present report, there have been several substantial achievements in the work undertaken by the High Commissioner's office in this area. These include: assistance in the establishment of and continuing assistance to the new national institution in Latvia; discussions with senior military and civilian personnel on the proposed global programme for human rights training for the military; participation in several workshops in the Asian and Pacific region on the central role of national institutions in human rights education; participation in training seminars for government officials and others organized by human rights institutes in Sweden and Denmark; the provision of advice concerning legislation to establish national human rights commissions in Sri Lanka, Georgia and Nepal; missions to Papua New Guinea and the Republic of Moldova, preparatory to the establishment of effective human rights machinery; the provision of advice to a number of interested Governments on the preparation of national plans concerning human rights and the appropriate involvement of national institutions.

D. Cooperation with academic institutions and human rights centres

24. The High Commissioner has stressed the importance of his cooperation with academic and research institutions and human rights centres. Cooperation agreements have been signed with a number of such institutions, for example the Strasbourg International Institute of Human Rights (France) and the Andean Commission of Jurists (Peru), and the High Commissioner has greatly strengthened cooperation with the Nordic human rights centres (in Denmark, Finland, Norway and Sweden), the San Remo Institute (Italy), the Asia-Pacific Human Rights Information Centre in Osaka, (Japan) and the Centre for Democracy and Human Rights Studies in Banjul (the Gambia). The High Commissioner has been encouraged by the positive response of these institutes with regard to cooperation and their readiness to provide expertise and advice on specific human rights matters.

E. Cooperation with non-governmental organizations

25. The High Commissioner has given high priority to enhancing cooperation with the NGO community, both in Geneva and New York, and to establishing a partnership with them in connection with United Nations human rights activities, particularly technical cooperation programmes. He has held extensive consultations with the human rights NGO community in connection with the meetings of the United Nations human rights organs.

26. At the Fourth World Conference on Women, the High Commissioner met and consulted closely with the NGO representatives with respect to women's rights and human rights. Numerous NGO briefings were organized throughout 1995 for the purpose of exchange of information on matters of common concern. The High Commissioner has relied greatly on the input of NGOs in the preparation of his visits to countries and he has made it a standard practice to meet with the local NGO community in all the countries he visits so as to share information and strengthen cooperation between NGOs and the United Nations. Whenever possible the High Commissioner personally participates in meetings and conferences organized by NGOs, such as the Third Joint Conference of the American Society of International Law and European Society of International Law, which was held at The Hague in July 1995.

F. Cooperation with the media

27. The High Commissioner attaches great importance to cooperation with the media. He meets extensively with the press during all his official visits and holds press briefings in New York and Geneva as often as possible. The High Commissioner has developed a new arrangement with the Department of Public Information (DPI) of the Secretariat in Geneva in order to provide the accredited press, twice a week, or more often if necessary, through the Secretary-General's spokesperson in Geneva, with relevant and timely information on human rights issues.

28. With respect to the present session of the Commission on Human Rights, the High Commissioner has agreed on a media strategy with DPI in Geneva, which will involve the following:

Daily press briefings;

Daily highlights of the Commission's work;

Several round-table discussions on substantive human rights questions, with the participation of human rights experts and journalists;

Press briefings by the Chairperson of the Commission, the High Commissioner and human rights experts and personalities.

29. Since November 1995, the High Commissioner has issued a regular newsletter, with a circulation of 8,000 copies, which is distributed to Member States, United Nations human rights experts, NGOs, journalists, academics and human rights centres worldwide. Additional steps will be taken in 1996 to raise the public profile of the High Commissioner's activities.

G. Cooperation within the United Nations system

30. Adequate inter-agency cooperation and coordination are essential in order to ensure a fully integrated approach to human rights promotion and protection throughout the United Nations system. The High Commissioner is committed to working with other institutions to obtain that result and also to ensure the support necessary for him to execute his mandate and increase access to resources for the full realization of human rights.

31. Coordination within the United Nations system is probably one of the most difficult challenges. Progress has been made, however. The Administrative Committee on Coordination (ACC), when it met in the spring of 1994, had human rights on its agenda for the first time ever. On that occasion, the High Commissioner stressed to ACC the need for a permanent dialogue within the system to promote human rights through the systematic exchange of information, experience and expertise. The members of ACC concluded that session by affirming the commitment of all the agencies to the implementation of the Vienna Declaration and Programme of Action through, inter alia:

Assessment of the impact of their strategies and policies on the enjoyment of human rights;

Examination of ways to facilitate inter-agency cooperation;

Strengthening training programmes on human rights for international civil servants;

Support to and cooperation with the High Commissioner for Human Rights in his system-wide coordination responsibilities.

32. It is hoped that human rights, which were partially on the ACC agenda in 1995, will again be placed on its agenda in 1996.

33. In the context of the 1998 five-year review of the implementation of the Vienna Declaration and Programme of Action, the High Commissioner will invite all relevant United Nations programmes and agencies to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action. He will also permanently endeavour to facilitate inter-agency cooperation so as to catalyse the efforts of all relevant United Nations agencies and programmes in this area. The High Commissioner will report on activities in this domain to the Commission on Human Rights at its next session.

34. Effective coordination must be a permanent goal, not merely a point of departure. Coordination is not intended to replace the work of agencies and programmes in the field of human rights but rather to ensure common policies and shared objectives. Its goal is to enhance the action on human rights system-wide in a uniform and coherent fashion. In order to facilitate and institutionalize such cooperation, memoranda of understanding have been signed, or are in the process of being finalized, with the United Nations Children's Fund, the United Nations Development Programme, the United Nations Volunteers, the Office of the United Nations High Commissioner for Refugees and the United Nations Educational, Scientific and Cultural Organization.

35. The High Commissioner has been cooperating with other departments and offices of the Secretariat on human rights related issues of common interest. He has also developed a framework of cooperation with a number of departments, such as the Department of Humanitarian Affairs, Department of Peace-keeping Operations and the Department of Political Affairs, in connection with early-warning efforts.

36. The fact that more and more resolutions of United Nations bodies refer to human rights or request action by the High Commissioner for Human Rights, particularly with respect to his mandate of coordination within the United Nations system, is very positive. These references serve to strengthen the moral authority of the Office of High Commissioner and its capacity for action within the United Nations system on human rights matters.

H. Cooperation with mechanisms of the Commission on Human Rights

37. On 29 May 1995, in Geneva, the High Commissioner addressed the Second Meeting of special rapporteurs/representatives/experts and chairpersons of the special procedures and advisory services programme of the Commission on Human Rights, as part of his efforts to reinforce coordination and cooperation between the United Nations human rights mechanisms themselves and between the mechanisms and his office. Once again he renewed his support for them in the firm belief that their functions and his own are naturally complementary and mutually reinforcing, in keeping with their respective mandates.

38. Participation in these meetings has been broadened: in 1994 by that of independent experts of the advisory services programme and, in 1995, by that of the two independent experts appointed under the 1503 procedure. In 1996, the chairpersons of the treaty monitoring bodies will be invited to participate as well.

39. The High Commissioner has taken concrete steps to strengthen all the mechanisms established by the Commission on Human Rights, particularly the special rapporteurs and the working groups. He has repeatedly expressed his belief that their work is a main pillar of the implementation of human rights in practical terms. He has also emphasized that his functions and those of the special rapporteurs are naturally complementary and mutually reinforcing. In carrying out his own mandate, which is over-arching in nature, with overall competence for promotion and protection of human rights through the United Nations, the High Commissioner has regularly taken into account the work and recommendations of special rapporteurs and working groups as a main point of reference, in particular in his discussions with governmental representatives and in his visits to countries.

40. In view of the escalation of violence and the deterioration of the human rights situation in the region and following the recommendations made by the Special Rapporteurs on Burundi, Rwanda and Zaire as well as the Special Rapporteur on extrajudicial, summary or arbitrary executions, the High Commissioner organized the first coordinating meeting on the situation of human rights in the Great Lakes region. The meeting was held on 18 and 19 January 1996, at the Palais des Nations in Geneva. The Special Rapporteurs, after having analysed the common patterns and trends affecting the region and the recommendations they had made in their respective reports regarding Burundi, Rwanda and Zaire, made a number of recommendations to deal with the underlying causes of the human rights situation in the Great Lakes region which would, if implemented, be aimed at improving the situation in the region.

I. Cooperation with experts of the treaty bodies

41. The treaty bodies have seen a considerable growth of their activities, partly because of the increasing number of ratifications, partly because of their enhanced visibility. So too have the communications procedures in view of the growing interest in the international jurisprudence which they are setting.

42. In June 1995, the Secretary-General met for the first time with the chairpersons of all six treaty bodies. The High Commissioner was also present at this meeting. Together they discussed the role those bodies would play in early warning and preventive action and their unique role and capacity to monitor accurately the human rights situation in a wide range of countries, as well as the assistance those bodies require from the Secretariat to carry out successfully these additional responsibilities.

43. The chairperson of the meeting of the treaty bodies has requested a second meeting in 1996 with the Secretary-General and the High Commissioner to follow up on the previous discussions, and has also raised the issue of the granting of special status to the treaty bodies in their participation in United Nations meetings and conferences. The High Commissioner supports this request in so far as it would facilitate the effective participation of the treaty bodies in United Nations activities. The High Commissioner hopes that Member States will find it possible to address this issue in the appropriate forum.

44. In 1995, the High Commissioner outlined a precise strategy to support the work of the Committee on the Rights of the Child. This strategy could serve as an example of how similar support to other treaty bodies could be provided and make it possible for them to carry out their own responsibilities more effectively.

45. Through this plan of action, the High Commissioner is seeking to provide the Committee on the Rights of the Child with the resources necessary to strengthen its monitoring activities and for the implementation of its recommendations: namely staff, and database and information sharing, and cooperation with the relevant United Nations programmes and agencies, in particular UNICEF.

46. The High Commissioner is particularly pleased with the progress being made by the Human Rights Committee through its new follow-up procedure and welcomes the fact that the Committee's Special Rapporteur on follow-up carried out his first mission to a country party to the International Covenant on Civil and Political Rights and the Optional Protocol thereto in June 1995.

47. On 21 September 1995, the High Commissioner addressed the Sixth Meeting of persons chairing the human rights treaty bodies, hoping to use this coordinating forum also in order to facilitate in the most effective manner the implementation of his mandate. He pledged his best efforts to achieve universal ratification of the international human rights treaties and to facilitate implementation of the recommendations of the treaty bodies on follow-up activities, particularly in the area of technical assistance and advice.

J. Cooperation for development

48. The High Commissioner firmly believes that a great deal of work can be done to advance human rights promotion and protection in cooperation with financial institutions and development agencies. He considers that at the ground level achievements can be obtained in advancing considerably the right to development and the fuller enjoyment of economic, social and cultural rights. In line with this approach, the High Commissioner has established closer links with the United Nations Development Programme, the World Bank, the International Monetary Fund, the Food and Agriculture Organization of the United Nations, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and others.

49. Furthermore, the High Commissioner would like to link the United Nations human rights treaty bodies and experts into this scheme of closer cooperation with the financial institutions and development and assistance agencies in order to give the promotion and protection of all human rights more tangible, practical and accountable results.

50. In this regard, the High Commissioner foresees a harmony of action which would reconcile the standards set by United Nations human rights instruments, the priorities established by United Nations human rights experts, for instance, by members of the Committee on Economic, Social and Cultural Rights on a given country and the action of United Nations financial and development institutions with respect to that same country. This integrated approach

would yield a fuller realization and enjoyment of human rights in the field, at the level of individuals, and would go a long way towards eliminating the vicious cycle of denial of economic, social and cultural rights and the consequent upheavals. This approach would contribute to the practical notion that human rights prevention not only enhances development but also can prevent humanitarian tragedies and emergency situations.

51. The High Commissioner has noted increased interest and action on the part of United Nations development and financial institutions with regard to social programmes; programmes that favour the rule of law; programmes that serve to build the infrastructures of civil society and encourage popular participation: in other words programmes relating to human rights. This is a most welcome development because it shows that human rights have become a priority in themselves and a solid foundation for sustainable economic and social development. While these programmes may not resolve the problems of development in a given country, they could make an important contribution to the realization of the rights prescribed in the International Covenant on Economic, Social and Cultural Rights, which has been ratified by over 130 States. The High Commissioner is ready to explore with all interested parties practical steps to enhance coordination and cooperation in this area and to strengthen, in a coherent fashion, the capacity for action of the United Nations system.

II. PROMOTING AND PROTECTING HUMAN RIGHTS

A. Advisory services and technical cooperation

52. The World Conference on Human Rights recognized the importance of technical cooperation programmes aimed at strengthening democratic institutions, the rule of law and national human rights infrastructures. The technical cooperation programme in the human rights field has been given specific new and wide ranging responsibilities in helping Member States to make substantive progress on the road to the full realization of human rights and fundamental freedoms.

53. The High Commissioner for Human Rights has endeavoured to strengthen to the extent possible advisory service and technical cooperation programmes, including the promotion of democratic institutions, development and human rights, human rights support to parliaments, constitutional assistance, human rights training for peace-keeping operations and international civil servants, support to NGOs and civil society, legislative reform assistance, administration of justice, strengthening national human rights institutions, assistance for the conduct of free and fair elections, training of police and prison officials, and assistance on specific human rights issues, including the implementation of comprehensive national plans of action for the promotion and protection of human rights; popular participation in decision making and implementation of projects related to economic, social and cultural rights, including the right to development.

54. The High Commissioner for Human Rights is mandated by the General Assembly (resolution 48/141, para. 4 (d)) to provide advisory services and technical and financial assistance and cooperation, at the request of the State concerned and, where appropriate, the regional human

rights organizations, with a view to supporting actions and programmes in the field of human rights. The High Commissioner has established that the particular focus of the programme must be on countries or regions that have just started or are starting the transition to democracy; that priority consideration has to be given to requests for cooperation with respect to programmes that strengthen national capacity or infrastructures for human rights promotion and protection and that are of a duration which would ensure long-term positive results. The High Commissioner believes that implementation through United Nations human rights field staff can greatly facilitate the success of those programmes.

55. In this connection, it is worth recalling that in August 1994, the High Commissioner and the Vice-President of Malawi signed a joint declaration of cooperation between the Office of the High Commissioner for Human Rights and the Government of Malawi in connection with advisory services and technical cooperation in the field of human rights. The programme covers several areas of priority needs, such as constitutional reform, assistance to the judiciary, training of the police and the military, human rights education in primary and secondary schools, support to the civil society (media, NGOs, etc.), support to the Parliament and to structures involved in the administration of justice, such as jails and detention centres.

56. The programme envisaged the creation of a small office of the High Commissioner for Human Rights in Lilongwe which would act as a focal point for the implementation of the various components of the programme of technical cooperation in the field of human rights in close cooperation with UNDP and other concerned United Nations programmes and agencies. The United Nations human rights presence in Lilongwe has not only been much appreciated by the Government of Malawi, but has also allowed the establishment of working contacts with Governments in the subregion in connection with human rights technical cooperation activities and projects. This is an additional positive aspect of a United Nations human rights field presence in connection with the implementation of technical assistance programmes.

57. Essential aspects in the determination of possible programmes of technical cooperation that the High Commissioner provides to Member States at their request are: specific recommendations made by experts of the various human rights treaty bodies; recommendations by the Commission on Human Rights and its mechanisms, including the representatives of the Secretary-General, the special rapporteurs on thematic or country situations and the various working groups; recommendations made by national human rights institutions and national and international NGOs; recommendations of the Board of Trustees of the Voluntary Fund for Technical Cooperation.

58. The programme of technical assistance in the field of human rights must be the result of individual and collective efforts within the United Nations Secretariat and the United Nations system. This requires a permanent dialogue with those programmes and agencies most directly concerned so as to enhance the efficiency and effectiveness of the programme and avoid unnecessary duplication. In the realization of the programme, it is equally essential to work closely with regional organizations such as the Council of Europe, the OAU Commission on Human and People's Rights, OAS and the Inter-American Commission and OSCE in connection with the implementation of technical

cooperation projects in specific regions. Furthermore, the High Commissioner is exploring with UNDP and major financial institutions, including the World Bank, how best to cooperate in the field in connection with programmes relating to human rights and the rule of law.

59. The Centre for Human Rights has strengthened the technical cooperation part of its programme through the appointment of a coordinator for the Voluntary Fund for Technical Cooperation who is an expert in the field and who has been made available by UNDP as a result of an agreement on cooperation. Quarterly status reports on the Voluntary Fund for Technical Cooperation are prepared by the Coordinator and made available to Member States. In the context of the Policy Advisory Board, the High Commissioner has decided to examine regularly the requests for technical cooperation in the field of human rights and the status of approved programmes and to review priorities among projects of technical assistance and define medium- and long-term objectives for enhancing cooperation with United Nations programmes and agencies, as well as with regional and national organizations and NGOs.

60. Cooperation and coordination in the provision of human rights advisory services and technical cooperation programmes by the United Nations system must be a permanent item of review in inter-agency relations in order to facilitate the exchange of timely information and greater efficiency in programme delivery within the United Nations.

61. Programmes of advisory services and technical cooperation are approved by the High Commissioner upon the advice of the Board of Trustees. The Assistant-Secretary-General for Human Rights ensures the implementation of those programmes by the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights or partners within and outside the United Nations system.

62. Following a steadily increasing number of requests by Governments for assistance, the number of activities implemented by the Centre for Human Rights has grown dramatically in recent years. This has led to increasing attention to improving the quality of the projects carried out under the programme.

63. It is planned to produce manuals, handbooks and modules to support the training activities of the programme for judges and lawyers, prison personnel, armed forces, teachers and human rights monitors involved in United Nations field operations.

64. The High Commissioner has worked closely with the Board of Trustees to ensure optimum financial administration and management of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. Expenditures are carefully monitored and information about contributions is compiled and regularly provided to donors.

65. The potential for technical cooperation initiatives offered under the programme is considerable, and continued efforts will be made to enhance their delivery and impact on strengthening national human rights capacities of Member States.

B. Decade for Human Rights Education

66. The General Assembly in December 1994 proclaimed the United Nations Decade for Human Rights Education, 1995-2004, welcomed the proposed plan of action and requested the High Commissioner for Human Rights to coordinate the implementation of the Plan of Action for the Decade. The Decade for Human Rights Education focuses on stimulating and supporting local and national activities in human rights education. The Plan of Action encourages the establishment of national committees for human rights education composed of representatives of both the public and private sectors. It also provides for the preparation of national plans of action to set goals for human rights education, prepare materials, train teachers and undertake any other initiatives needed to achieve those goals. International assistance is also to be made available to support national human rights education where necessary.

67. The High Commissioner has written to all Heads of State/Government transmitting to them the Plan of Action and requesting their personal support in furthering human rights education. Encouraging responses have been received from many countries, which provided information on ongoing activities and future plans. Requests for assistance have been made and the basis for a continuous dialogue with concerned States has been established. Similarly, the High Commissioner has contacted the Executive Heads of the Specialized Agencies requesting their contributions to the implementation of the Plan of Action for the Decade. Cooperation in implementing the Decade is a specific part of the Memorandum of Understanding between UNESCO and the High Commissioner and regular meetings are taking place to plan and implement joint action and ensure cooperation. The High Commissioner/Centre for Human Rights has prepared a project for technical cooperation and assistance in promoting human rights education and support is being provided to an international conference on methodology for human rights education. The reports of the High Commissioner to the General Assembly at its fiftieth session (A/50/36) and his report on human rights eduction to the Commission on Human Rights at its fifty-second session (E/CN.4/1996/51) contain more information on this subject.

C. Thematic human right issues

68. The High Commissioner, in his previous reports to the Commission on Human Rights (E/CN.4/1995/98) and to the General Assembly (A/50/36) provided information about activities and plans with respect to a number of substantive human rights issues that confront the United Nations and the international community. In particular he developed his ideas and outlined his activities with respect to: the elimination of racial discrimination, xenophobia and intolerance; minorities; indigenous people; extrajudicial, summary or arbitrary executions; torture; enforced disappearances; internally displaced persons; migrant workers; and disabled persons. In the present report, the High Commissioner would like to emphasize his strategy and plans with respect to the following three questions.

1. Right to development

69. The General Assembly, in its resolution 48/141, mandated the High Commissioner for Human Rights to promote and protect the realization of all human rights including the right to development. The High Commissioner has endeavoured to respond to this duty in an innovative way, giving the implementation of the right to development practical and tangible substance. In keeping with the established principle that all human rights are universal, indivisible, interdependent and interrelated, the High Commissioner is seeking to ensure that this notion is fully appreciated by those responsible for the design and execution of policies concerning development.

70. The High Commissioner has reached out to the international financial institutions in order to assist them in developing a greater awareness of the impact of economic and development policies on human rights. He has also been in contact with a number of national planning agencies in an attempt to encourage them to incorporate human rights elements in the scope, methods and philosophy of their development schemes.

71. A meeting of experts will be held in 1996 to analyse ways and means of addressing the right to development in a practical way and to advise the High Commissioner on the most effective manner in which to implement this right. Additional activities are planned for 1996 and the High Commissioner will submit a report on his efforts in this domain to the Commission on Human Rights at its next session.

72. The High Commissioner's determination to promote the right to development is reflected in his decision to ensure that, in the process of restructuring of the Centre for Human Rights currently under way, one of the branches of the Centre will be in charge of activities in this area and will devote considerable attention to this issue.

73. The strategy developed by the High Commissioner in this area includes: (a) identification, in cooperation with the specialized agencies, the treaty bodies, especially the Committee on Economic, Social and Cultural Rights, and experts of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, of ways to improve implementation of the right to development and economic, social and cultural rights, including human rights aspects of a lasting solution to the debt crisis of developing countries; (b) consideration of the application of findings and recommendations of the Working Group on the Right to Development; (c) promotion of the right to development and economic, social and cultural rights at the national level, including pilot projects; (d) identifying further social and economic indicators which should facilitate assessing the progressive realization of economic, social and cultural rights and addressing violations of these rights; (e) preparation of procedures for communications regarding economic, social and cultural rights; (f) identification of the international action necessary to promote the right to development; (g) cooperation with international/regional financial and development organizations and with the regional commissions; (h) involvement in the implementation of the Declaration on the Right to Development of NGOs and grass-roots organizations active in the areas of development and human rights. The strategy relating to the right to development and economic,

social and cultural rights is to be placed against the background of the Secretary-General's Agenda for Development and recent international conferences, in particular the World Summit for Social Development and the Fourth World Conference on Women. In order to strengthen the dialogue between human rights NGOs and those active in development, the High Commissioner, together with the Executive Secretary of the Economic Commission for Europe, convened during the fifty-first session of the Commission on Human Rights a meeting of NGOs from both groups to discuss the implementation of the right to development from their perspectives.

2. Human rights of women

74. At its fifty-first session the Commission on Human Rights adopted four resolutions relating respectively to violence against women, traffic in women, violence against women migrant workers and the question of integrating the human rights of women into the human rights mechanisms. In several other resolutions relating to country or thematic human rights situations, the Commission expressed deep concern regarding the violation of women's rights. The Commission decided to give priority consideration, at its fifty-second session, to gender-based violations of human rights.

75. In compliance with the Commission's requests, the High Commissioner took a lead role on the question of integrating a gender dimension into human rights activities. In July 1995, an expert group meeting on the development of guidelines for the integration of gender perspectives into the human rights activities and programmes was organized by the Centre for Human Rights and the United Nations Development Fund for Women (UNIFEM). The report of the meeting (E/CN.4/1996/105) contains essential elements to assist human rights bodies, mechanisms and the Centre in developing a gender-sensitive approach and guidelines. The High Commissioner included in the agenda of both the meetings of chairpersons of treaty bodies and that of special rapporteurs, representatives and working groups the question of the integration of the human rights of women, and called on these bodies to address in their work violations of human rights specific to women.

76. The Commission recommended that the Fourth World Conference on Women consider the question of integrating the human rights of women into the mainstream of United Nations system-wide activities. It requested the High Commissioner for Human Rights to ensure an appropriate role at the Conference for relevant human rights bodies and mechanisms in promoting the integration of human rights of women into the mainstream activities of the United Nations.

77. The human rights of women and the human rights problems related to the girl child, as well as violence against women, were a major focus of the Fourth World Conference on Women. From the outset, the High Commissioner submitted analytical comments on the draft report of the Conference to ensure existing human rights standards and norms were respected throughout the final document and that the principal achievements of the Vienna World Conference on Human Rights were maintained. The High Commissioner invited a number of experts of treaty bodies and special rapporteurs to participate in events organized during the Conference.

78. Various activities will be undertaken in close cooperation with the United Nations Secretariat and agencies most associated with the advancement of women in order to follow up on the implementation of the provisions of the Vienna Declaration and Programme of Action relating to the status of women and the human rights of women, as well as on the implementation of the relevant sections of the Beijing Declaration and Platform of Action. Among the activities envisaged are the holding of training courses and seminars, as well as the preparation and publication of joint publications.

79. With regard to the improvement of the status of women in the Centre for Human Rights, the High Commissioner is fully committed to increasing the percentage of women recruited and promoted at the senior, policy-making levels, as soon as the freeze imposed on the Centre is lifted. The High Commissioner has appointed a former chairwoman of the Commission on Human Rights, from the Philippines, to head his New York Office.

80. The High Commissioner will implement the relevant recommendations of the Vienna Declaration and Programme of Action and the Beijing Platform of Action with respect to the issue of the human rights of women. In this context, specific emphasis will be placed on the following substantive issues: women and poverty; education and training of women; women and health; violence against women; women and armed conflict; women and the economy; and women in decision-making. The issue of the implementation of these recommendations will be a permanent item for review by the inter-agency task force, established by the High Commissioner.

81. The issue of integration of women's rights as human rights and the question of system-wide implementation of the recommendations of the Vienna Declaration and Programme of Action and the Beijing Platform for Action will be a permanent item on the agenda of the inter-agency task force established by the High Commissioner.

3. Rights of the child

82. During the fiftieth session of the Commission on Human Rights two open-ended working groups were established to elaborate draft optional protocols to the Convention on the Rights of the Child. They met for their second sessions between 15 January and 9 February 1996. The first of these working groups was convened to discuss a draft optional protocol on the protection of children in armed conflicts.

83. The second working group, during its first session, drew up guidelines for a possible optional protocol on the sale of children, child prostitution and child pornography and, during its second session, began elaborating a draft optional protocol.

84. In both working groups continuing differences of view are being encountered and further deliberations will be necessary.

85. The High Commissioner attaches much importance to the rapid resolution of the difficulties which both groups are facing, without detriment to the positive and prompt response desired by the international community in order to deal with the serious problems affecting the human dignity of children.

He is willing to play an active role in finding a way for Governments to reach consensus on these issues. The High Commissioner fully supports the work of the expert designated by the Secretary-General to undertake a study on the impact of armed conflict on children, who will submit her final recommendations to the General Assembly at its fifty-first session.

86. With regard to the substantive support being given to the work of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography, efforts have been made to strengthen the professional input by the Secretariat, especially in terms of information gathering and processing and research capability. Further coordination with United Nations organs, international organizations and non-governmental organizations will continue and will be strengthened.

87. The High Commissioner considers the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour and the Programme of Action on the Sale of Children, Child Prostitution and Child Pornography a matter of priority and is exploring more effective means to achieve this. He will provide substantive support to the World Congress against the Commercial Sexual Exploitation of Children, to be held in Stockholm in August 1996.

88. In 1995, the High Commissioner outlined a plan of action to support the implementation of the Convention on the Rights of the Child, which is almost universally ratified. Through this plan of action, the High Commissioner is seeking to enhance the realization of child rights in close cooperation with UNICEF and other United Nations and non-governmental partners.

D. Dialogue with Member States

1. Visit to Indonesia and East Timor

89. Between 3 and 7 December 1995, the High Commissioner undertook an official visit to Indonesia and East Timor. His visit to Indonesia, at the invitation of the Government, was aimed at establishing a dialogue to address issues pertaining to the promotion and protection of human rights. While there, he held meetings with the President of Indonesia, the Minister for Foreign Affairs, the Minister of Defence, the Minister of Women Affairs, the Minister of Social Affairs and members of Parliament and of the Supreme Court. The High Commissioner met with members of the Indonesian National Commission on Human Rights and encouraged them to continue their work, which he stressed was important at the national and international levels.

90. The High Commissioner discussed a wide range of human rights issues with the Indonesian authorities and during the course of these talks urged that all the recommendations of the United Nations human rights mechanisms addressed to Indonesia during the previous four years be implemented. He also encouraged further cooperation between Indonesia and the United Nations treaty bodies, special rapporteurs, working groups, organs and other mechanisms in order to ensure better promotion and protection of human rights. The Minister for Foreign Affairs expressed to the High Commissioner the willingness of his Government to ratify the Convention against Torture in 1996.

91. The High Commissioner expressed his appreciation to the Government of Indonesia for all the steps it had thus far taken to comply with the recommendations of the various United Nations human rights mechanisms and to promote and protect human rights in general. He noted that the establishment of the National Human Rights Commission was a positive step which could enhance the human rights situation significantly. He also expressed his willingness to support the efforts of the Government in promoting and respecting human rights. However, the High Commissioner stated publicly that there were violations of human rights that had to be corrected, particularly with respect to East Timor. In this connection, it was agreed to upgrade the Memorandum of Intent between the Government of Indonesia and the High Commissioner/Centre for Human Rights, signed in October 1994, to a memorandum of understanding.

92. The High commissioner visited East Timor, in response to the statement read out by the Chairman of the fifty-first session of the Commission on Human Rights on 1 March 1995.

93. In East Timor the High Commissioner met Governor Abilio Soares and Bishop Carlos Ximenes Belo. He also held talks with members of Parliament, local military, police officers, individuals and representatives of NGOs.

94. The High Commissioner met Mr. Xanana Gusmao, the jailed leader of FRETILIN at Cipinang Correctional Centre in Jakarta, and talked in private with him concerning the human rights situation in East Timor. Mr. Gusmao entrusted the High Commissioner with a personal message to be transmitted to the Secretary-General of the United Nations.

95. In his discussions with the Indonesian authorities the High Commissioner urged them to repeal the Anti-Subversion Law; to reduce the number of troops stationed in East Timor and to continue investigations into the tragic events which took place in the Santa Cruz Cemetery in Dili on 12 November 1991, during which a large number of persons were killed. The High Commissioner and the Government of Indonesia agreed to the establishment of a United Nations human rights presence in Jakarta which would deal with human rights issues in Indonesia and East Timor and would support the technical assistance programme.

96. A full report on the visit of the High Commissioner for Human Rights to Indonesia and East Timor is contained in document E/CN.4/1996/112.

2. Chechnya

97. The situation in Chechnya continues to attract the international community's attention and its concern at the grave human rights violations that are taking place there.

98. Following the visit of his representative to the Russian Federation and to Chechnya, which took place in May of 1995 with the full cooperation of the Government of the Russian Federation, the High Commissioner is continuing to explore the establishment of a human rights field presence which would:

(a) Follow the human rights situation in Chechnya and report on developments to the High Commissioner;

(b) Maintain contacts with the Russian authorities, representatives of major actors in the region and NGOs, with a view to promoting and protecting human rights;

(c) Foster confidence-building measures based on respect for human rights.

99. Consultations are still under way with the Government of the Russian Federation with respect to the promotion and protection of human rights in Chechnya. On this matter, the High Commissioner is consulting closely with OSCE.

3. Cambodia

100. In February 1996, the High Commissioner paid his second visit to Cambodia, where he met with the Head of State a.i., the First Co-Prime Minister, the Minister for Foreign Affairs, and the Ministers of Justice, Education and the Interior. He also addressed the students of Phnom Penh University, as well as a large group of primary school teacher-trainers and also met with local non-governmental organizations. The High Commissioner signed a Memorandum of Understanding with the Government of Cambodia on the implementation of a two-year programme of human rights technical cooperation activities and visited the provincial office of the Centre for Human Rights in Siem Reap.

101. The Centre for Human Rights in Cambodia is carrying out the largest human rights technical cooperation programme currently under way. In addition to the Phnom-Penh office, three additional offices have been established in the provinces of Siem Reap, Battambang and Kompong Cham. In the period covered by the present report, activities have focused on the provision of assistance to the judiciary, through the implementation of a "judicial mentor programme", by which legal experts are placed in Cambodian courts to provide daily advice and training. This programme is being implemented with the full cooperation of the Government of Cambodia.

102. Support is also being provided to the Inter-Ministerial Committee for the preparation of reports to be submitted under international human rights conventions. Important assistance is also being provided to the local NGO community, in the form of training and advice. The Centre for Human Rights in Cambodia has so far funded some 50 human rights projects implemented by non-governmental organizations. Other activities have involved training of teachers, military, police and other government officials and the provision of legal advice on the elaboration and implementation of laws affecting human rights. The Centre for Human Rights in Cambodia jointly with UNDP is implementing a project - funded by UNDP - aimed at enhancing its activities, including judicial assistance and support to the National Assembly and its Human Rights Commission in particular.

E. Human rights situations

103. A growing number of countries have strengthened or developed a working relationship with the Commission on Human Rights and its mechanisms. This trend must be encouraged further.

104. At its fifty-first session, in its consideration of the question of violations of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, the Commission expressed its concern about the human rights situation in Afghanistan, Burundi, Cyprus, Cuba, Equatorial Guinea, Haiti, the Islamic Republic of Iran, Iraq, Myanmar, the Papua New Guinea island of Bougainville, the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), Rwanda, southern Lebanon and the Western Bekaa, the Sudan, Zaire and, in statements by the Chairman, Chechnya and East Timor. The Commission also considered violations of human rights in the occupied Arab territories, including Palestine, human rights in the occupied Syrian Golan, and Israeli settlements in the occupied Arab territories, and the situation in occupied Palestine, as well as the question of Western Sahara. Various thematic rapporteurs and working groups, in their reports to the Commission, pointed out serious human rights problems in a number of countries and made recommendations in this regard.

105. During its fiftieth session, the General Assembly adopted resolutions on the situation of human rights in Cambodia, the Islamic Republic of Iran, Afghanistan, Kosovo, Iraq, the Republic of Bosnia and Herzegovina, the Republic of Croatia, the Federal Republic of Yugoslavia (Serbia and Montenegro), Myanmar, Haiti, the Sudan, Cuba, Nigeria and Rwanda. The General Assembly also adopted a resolution on the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

106. Likewise, the General Assembly and the Commission on Human Rights have adopted resolutions with regard to extreme poverty and problems related to sustainable development, international debt, impunity, racism and xenophobia, discrimination against women, ethnic and religious intolerance, mass exoduses and refugee flows, armed conflicts and terrorism, and lack of the rule of law as major obstacles to human rights.

107. Concern continues to be expressed by the General Assembly and the Commission on Human Rights when Governments either deny or fail to lend their full cooperation to the Commission or its mechanisms, which would impede the task of the United Nations human rights programme in helping Governments or members of society. Similarly, the Commission reiterated its concern in resolution 1995/75 at continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies. The High Commissioner shares these concerns.

III. ADDRESSING HUMAN RIGHTS CHALLENGES IN THE FIELD

A. The former Yugoslavia

108. The United Nations human rights field activities in the former Yugoslavia began in early 1993 with the deployment in Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia of a small team of human rights field officers. Field offices in Zagreb, Sarajevo, Mostar and Skopje have

provided support to the Special Rapporteur and to the expert of the Commission on Human Rights responsible for the special process dealing with the problem of missing persons.

109. In a letter addressed to the parties attending the Dayton peace negotiations in December 1995, the High Commissioner stressed the need for human rights to constitute a pillar of the reconstruction effort in Bosnia and Herzegovina and to become a building-block in the foundations of the new social structure that would emerge after the conflict in the former Yugoslavia. The basic role of a human rights component in the peace implementation process was accepted by all parties. The General Framework Agreement for Peace in Bosnia and Herzegovina committed the parties to ensuring the highest level of internationally recognized human rights and fundamental freedoms to all persons within their jurisdiction. Inter alia, it invited the High Commissioner, the United Nations Commission on Human Rights and OSCE to monitor closely the human rights situation in Bosnia and Herzegovina, including through the establishment of local offices and the assignment of observers, rapporteurs, or other relevant persons on a permanent or mission-by-mission basis. 1/

110. At the London Peace Implementation Conference, held on 8 and 9 December 1995, the High Commissioner stressed that the overall objectives for all human rights related activities should be, in the shorter term, the prevention of further violations and the creation of conditions conducive to the return of displaced persons and refugees. In the longer term, assistance should be provided for large-scale restoration of respect for human rights.

111. The High Commissioner declared his willingness to participate in the peace implementation process in three ways:

(a) By developing and conducting training for international personnel who will be responsible for monitoring and other activities related to human rights;

(b) By making available to the High Representative, responsible for civilian aspects of the peace implementation, a limited number of human rights experts to assist in addressing human rights situations which, because of their complexity, require in-depth knowledge and experience;

(c) By continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons in the former Yugoslavia.

112. The High Commissioner perceives human rights training of international personnel as a key to the effective implementation of the Dayton Agreements. The training programme will be primarily addressed to the 250 to 300 OSCE monitors and the European Community Monitoring Mission, and to the 1,700 members of the International Police Task Force (IPTF). It has been specifically tailored to each audience. Training methodologies will be based

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1/ Dayton Agreements, annex 6, art. XIII, para. 2.

on the Human Rights Trainers Guide of the Centre for Human Rights, using a "training of trainers" approach. An introduction to the human rights aspects of the peace implementation operation has been provided in Vienna for the OSCE monitors and continues to be provided in Zagreb for the IPTF monitors. A more comprehensive training programme, to be organized in situ, will subsequently foster in-depth understanding of the complexities of human rights monitoring and investigation and will ensure consistency in their implementation in the field. The induction briefings for the IPTF monitors began on 15 January and for the OSCE monitors on 13 February 1996.

113. Human rights experts made available by the High Commissioner to the High Representative and the Human Rights Task Force under his authority will be mobile, ready to provide advice and supportive analysis to international monitors, including members of the OSCE and IPTF missions.

114. At the same time, the High Commissioner will maintain and enlarge, as required, the presence already established in the field, currently numbering 11 experienced human rights officers. A new office was established in Banja Luka in January 1996 and it is expected that at least two additional offices will be required in Bosnia and Herzegovina, at Tuzla and Bihac. With a view to implementing the United Nations human rights programme in the Federal Republic of Yugoslavia and in Eastern Slavonia (Croatia) offices have also been established in Belgrade and Erdut in 1996.

115. Successful implementation of the United Nations human rights programme in Bosnia and Herzegovina will depend on effective cooperation with various participants in the international peace implementing operation, as well as on the resources available. The Secretary-General in his report to the Security Council of 13 December 1995 (S/1995/1031) stated that activities included in the High Commissioner's programme for Bosnia and Herzegovina would need to be financed by Member States, since the United Nations had no resources available at present for that purpose. In this context, the High Commissioner is participating in the consolidated appeal for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and Slovenia, which should cover the period from 1 January to 31 December 1996.

B. Burundi

116. Since his appointment in April 1994 the High Commissioner has paid particular attention to the situation of human rights in Burundi. He has also constantly appealed to the international community to devote a greater share of attention and resources to the ever-growing crisis in the country. In consultation with the Government of Burundi, he opened an office in Bujumbura in June 1994. This office is mainly active in the field of technical assistance and advisory services.

117. It will be recalled that on 17 February 1995, during the fifty-first session of the Commission on Human Rights, the High Commissioner, in an emergency address, appealed to Member States for immediate measures to be adopted in order to halt the deterioration of the human rights situation in Burundi. By its resolution 1995/90 of 8 March 1995, the Commission created the post of Special Rapporteur on the situation of human rights in Burundi.

In the same resolution, the Commission expressed its conviction concerning the need further to increase preventive action, in particular through the presence of human rights experts and observers throughout the country.

118. Further to this resolution, the High Commissioner has taken steps to establish a human rights field operation in Burundi. In a joint letter, the President and the Prime Minister of the Republic of Burundi have expressed their support for the field operation. In addition, in November 1995 the Minister for External Relations signed a formal agreement between his Government and the Office of the High Commissioner which regulates the activities of the field operation.

119. Under this operation, observers will participate in efforts aimed at preventing and limiting human rights violations and inter-ethnic violence. For instance, they are mandated to bring cases of alleged violations to the attention of the authorities, recommend remedial action and follow up on subsequent developments. In cooperation with all relevant actors, including international programmes and agencies and local NGOs, they will endeavour to foster a climate of peace, confidence and tolerance amongst all components of the Burundese population. Such a climate, which will be instrumental in the rehabilitation and strengthening of the civil society and democratic institutions, is a prerequisite for the return of refugees and internally displaced persons to their homes. The observers will also have a crucial information and fact-finding role. Reports from the field will be transmitted to the High Commissioner, who will in turn forward relevant information to all pertinent international actors, in particular the Secretary-General and the Special Rapporteur on the situation of human rights in Burundi, as well as Governments and concerned programmes and agencies.

120. A first contingent of five observers will shortly be placed in Bujumbura, subject to the receipt of pledged contributions. Depending on the security conditions, the political situation and the availability of funding, further groups of observers will reinforce the operation, first in Bujumbura and then, if possible, gradually throughout the country. At that stage, it is envisaged that up to 35 observers will be sent. The agreement of the Government will be sought at each additional step.

121. The report submitted by the Special Rapporteur subsequent to his first mission to Burundi clearly indicates an increase in the level of violence in the country. This prompted the High Commissioner to address a letter to the Secretary-General, on 22 December 1995, in which he indicated that "a smouldering civil war is spreading further in Burundi, and the situation continues to deteriorate significantly". In line with the views of the Special Rapporteur, the High Commissioner expressed his concern over growing impunity for human rights violators and over the need to reform the judicial system and the criminal courts. The High Commissioner informed the Secretary-General that the deployment of observers to Burundi had been impeded by the lack of financial resources. The High Commissioner warned that there was a real danger that the situation in Burundi could degenerate and explode at any moment, with consequences at least as serious as in neighbouring Rwanda.

122. On 29 December 1995 the Secretary-General wrote to the Security Council (S/1995/1068) indicating that "there is a real danger of the situation in Burundi degenerating to the point where it might explode into ethnic violence on a massive scale". He referred to a previous report to the Security Council (S/1994/1152), in which he had proposed "the deployment of human rights observers as recommended by the High Commissioner for Human Rights, the Special Rapporteur and several other missions that visited Burundi".

123. The human rights field operation in Burundi is not being funded from the regular budget of the Organization. Therefore, the High Commissioner has been actively seeking voluntary contributions in order to fund the operation. In January 1996, the High Commissioner signed an agreement under which the European Commission would provide support for the operation in the initial amount of US$ 518,000 in order to finance the deployment of a first group of five human rights observers for three and a half months. The European Commission is in principle ready to finance up to 35 observers, depending on a positive assessment of the deployment of the first group of observers. The High Commissioner wishes to express his gratitude for the important contribution by the European Union, as well as for additional funds pledged by the Government of South Africa.

124. The High Commissioner welcomes the possibility of the Commission on Human Rights convening a special meeting on the human rights situation in Burundi, during its fifty-second session.

C. Rwanda

125. In the first 12 months of operation, the Human Rights Field Operation in Rwanda (HRFOR) was able to establish a good working relationship with the Government of Rwanda at various levels, essential for effective monitoring of the current human rights situation. By the beginning of 1995, the Operation had succeeded in establishing offices in 10 of the 11 prefectures and a visible presence throughout the country. As of February 1995, regular reports on HRFOR activities, containing an evaluation of the evolving human rights situation, were provided to Governments and concerned international organizations and agencies.

126. In October 1995, HRFOR entered its second year of operation. On this occasion, the High Commissioner took the opportunity to review the progress of the Operation in regard to all aspects of its mandate. At this time, the newly appointed Chief of HRFOR undertook a thorough revision of HRFOR monitoring and reporting procedures to ensure the Government of Rwanda was kept fully involved, consistently and regularly. The revised procedures accord the Government greater opportunity to supplement HRFOR reports with further information relevant to human rights violations and to correct factual inaccuracies with regard to allegations as they may arise. Most importantly, it allows the Government to respond more fully to allegations of human rights violations and to work more constructively with HRFOR to redress them at all levels.

127. With the withdrawal of the United Nations Assistance Mission for Rwanda (UNAMIR) on 8 March 1996, HRFOR has become the largest United Nations presence in Rwanda. It is therefore essential that the international community stand

behind its commitment to the Government and people of Rwanda to ensure, through the Office of the High Commissioner, that the HRFOR mandate is fully implemented. HRFOR has played the major role in human rights protection and promotion in Rwanda through: investigation of past violations of international humanitarian law and human rights, including the genocide; monitoring and reporting on current human rights violations and measures in cooperation with local authorities to reduce violations to a minimum; effective confidence-building measures to facilitate the return of refugees and displaced persons and to enable the rebuilding of civil society; and provision of technical cooperation and advisory services for rebuilding the administration of justice to enable effective prosecution of individuals for past human rights violations, including the genocide; and efforts to speed the release of detainees who may have been arrested and detained without proper legal grounds.

128. Confidence-building is an over-arching objective of HRFOR, to which each of its areas of work contributes, and which in turn is crucial to the return of refugees. In the period immediately ahead, which may well see major repatriation, the work of HRFOR will be closely linked to the pattern of expected and actual return. HRFOR will cooperate closely with UNHCR, in accordance with the memorandum of understanding concluded between them in Rwanda, as well as with the coordinating ministry, the Ministry of Rehabilitation. HRFOR will continue to assess the state of readiness of home communes to receive returnees, and to assist those communes in the resettlement process. It will attempt to ensure that basic human rights are respected at all stages of return, resettlement and reintegration.

129. Another priority for HRFOR is the serious situation in prisons and local detention centres. As of the end of February 1996, the total number of detainees exceeded 64,000. There have been many deaths and serious illnesses due to the severe overcrowding. HRFOR staff undertake regular visits to prisons and detention centres in order to record their own observations regarding respect for international human rights standards, giving priority to ensuring respect for basic judicial guarantees with regard to the detainees, including the circumstances of arrest, the duration of temporary detention, the establishment of individual legal files, the release of arbitrarily detained persons and the confirmation of release. This work is carried out in cooperation with the International Committee of the Red Cross.

130. The overcrowding of prisons is linked to the circumstances of arrest and the subsequent review of the evidence against detainees. Most of those currently detained have been arrested outside the procedures laid down in Rwandan law and there is no dossier recording the evidence against them. HRFOR actively seeks to promote respect for legal procedures governing arrest and detention, and urges the appropriate authorities to review cases promptly.

131. HRFOR has actively promoted respect for Rwandan law and human rights standards through efforts focused on re-establishing or establishing the governmental and non-governmental institutions necessary for the protection of human rights. Seminars on arrest and detention procedures have been organized by field teams in the prefectures, in conjunction with UNHCR. HRFOR participates in training at the National Gendarmerie School in

Ruhengeri, and has prepared training seminars for the Gendarmerie and the Rwandan Patriotic Army on the role of the armed forces and law enforcement officials in the protection and promotion of human rights.

132. From the initial phase of the operation, special efforts were made to provide the Special Rapporteur with the required assistance in the fulfilment of the mandate entrusted to him by the Commission on Human Rights. 2/ As HRFOR became fully operational and as the amount of information gathered by field teams increased, a Coordinator for the Special Rapporteur was appointed in conformity with the Special Rapporteur's wishes, whose functions form an integral part of the office of the chief of the mission in Kigali. He ensures that in all activities of the operation, due regard is accorded to the mandate and reporting responsibilities of the Special Rapporteur. In Geneva, the Special Rapporteur is assisted by two professional officers on a full-time basis.

133. The High Commissioner is grateful to those Governments which have contributed to the voluntary funding of HRFOR and to the European Union, which has provided a fully equipped team of human rights field officers, integrated into HRFOR. The High Commissioner was very gratified that the support by the European Union has been renewed and that the number of officers contributed will be increased to 50.

134. Unlike every other human rights field operation, such as those in Haiti, Guatemala, Cambodia and El Salvador, HRFOR has never had the benefit either of assessed contributions or peace-keeping funds. From the beginning, HRFOR has been financed through voluntary contributions, the unforeseeability and inadequacy of which have greatly hindered retention of staff (all of whom are on short-term monthly contracts or hold United Nations Volunteers contracts) and have been enormous impediments to coherent and stable planning at all levels.

135. Therefore, in his report to the General Assembly on the Human Rights Field Operation in Rwanda (A/50/743) of 13 November 1995, the High Commissioner made a request for regular budget funding. However, this request was not approved. The High Commissioner nevertheless remains convinced that this mode of funding is needed to put the operation on a more stable footing and to avoid many unnecessary administrative and logistical problems.

136. On 10 January 1996, the High Commissioner convened an urgent meeting in Geneva to advise Member States of the financial difficulties facing HRFOR created by the obligation to repay $US 3 million that had been advanced earlier to the Operation by the Central Emergency Revolving Fund, and appealed to them for assistance. Although several contributions of a significant amount were received by HRFOR, for which the High Commissioner is grateful, the financial situation remains precarious. At the time of the writing of the present report, available funding does not ensure the continuation of the operation beyond April 1996.

2/ Resolution S-3/1 of 25 May 1994.

137. On 8 March 1996, the Security Council unanimously adopted resolution 1050 (1996), which provides that UNAMIR be withdrawn over a six-week period. Recognizing the importance of HRFOR in contributing to the establishment of confidence in the country, and concerned that it may not be possible to maintain its presence throughout Rwanda unless sufficient funds for that purpose are secured in the very near future, the Security Council called upon States to contribute urgently to the costs of HRFOR, and encouraged the Secretary-General to consider what steps might be taken to place the operation on a more secure financial basis.

D. Zaire

138. Pursuant to the recommendation of the Special Rapporteur on the situation of human rights in Zaire and Commission on Human Rights resolution 1995/69 on the situation of human rights in Zaire, the High Commissioner has been working towards establishing a human rights presence in Zaire. The High Commissioner, who is concerned about the deteriorating human rights situation in the country, intends to open an office in Kinshasa staffed by two human rights officers, who will monitor the situation of human rights throughout the country and advise the national authorities and NGOs on human rights promotion and protection. Field reports to the High Commissioner will be forwarded to the Secretary-General and the Special Rapporteur on the situation of human rights in Zaire, as well as to Governments and concerned United Nations programmes and agencies. Upon request by the High Commissioner or the Special Rapporteur, the human rights officers will draw the attention of the Zairian authorities to any question pertaining to their mandate. They will also assist the national authorities in identifying and addressing their essential needs relating to human rights and will inform, assist and, if necessary, train members of local human rights NGOs.

139. In addition, the human rights officers will assist the Special Rapporteur in the fulfilment of his mandate by gathering relevant information, helping him to follow up on the implementation of his recommendations to the Government and assisting him in the preparation and execution of field missions.

140. Although the High Commissioner realizes that the sending of two human rights officers is a small step in a policy of conflict prevention, he believes that it is a significant one in the light of the central role the country plays in the region and of the considerable difficulty in obtaining reliable and verifiable information.

141. In April 1995, the High Commissioner sent the head of the Special Procedures Branch to Kinshasa, who met with high-level officials, including the Prime Minister, the Deputy Prime Minister and the Director of the President's Office, all of whom reacted favourably regarding the opening of an office. In October 1995, a draft agreement between the United Nations and the Government of Zaire regarding the opening of the office was transmitted to the Government for comments and/or signature. However, despite several reminders sent by the High Commissioner, at the time of the writing of the present report the Government had not reacted to the proposed draft agreement.

The High Commissioner will therefore be dispatching a delegation composed of two staff members of the Centre for Human Rights in order to discuss the draft agreement and open the office as soon as this document is signed.

142. The High Commissioner wishes to express his gratitude to the Governments of Belgium and Norway, which have contributed funds for the establishment of the office.

E. Abkhazia, Georgia

143. The Security Council in its resolution 1036 (1996), adopted on 12 January 1996, expressed its full support for the elaboration of a concrete programme for the protection and promotion of human rights in Abkhazia, Georgia, as described in the Secretary-General's report of 2 January 1996, and called upon the Abkhaz authorities to cooperate fully with the efforts to that end. In his report concerning the situation in Abkhazia, Georgia (S/1996/5) of 2 January 1996, the Secretary-General informed the Council that the High Commissioner for Human Rights, in cooperation with OSCE, would elaborate a concrete human rights programme. In keeping with his mandate, the High Commissioner for Human Rights sent a mission, from 19 to 27 February 1996, to Tbilisi and Sukhumi. The mission elaborated a draft outline of a programme for the protection and promotion of human rights in Abkhazia, setting out the objectives, mechanisms of implementation, projects and activities, as well as the organizational framework. The outline was submitted to, and discussed with, the Abkhaz authorities, who, on 29 February 1996 informed the Resident Deputy of the Special Envoy of the Secretary-General of their approval of the draft outline. It should be recalled that the Government of Georgia is in favour of the establishment of a human rights presence in the area.

144. The High Commissioner is at present elaborating in detail the operational aspects of the programme to be included in the Secretary-General's report to the Security Council.

IV. REFORMING THE HUMAN RIGHTS PROGRAMME

A. Restructuring the Centre for Human Rights

145. In 1995 the High Commissioner initiated a process aimed at restructuring the programme of work and the organization of the Centre for Human Rights in order to enable it to achieve its objectives effectively and efficiently. Details of the background and specific steps of the restructuring were provided in the reports of the High Commissioner to the General Assembly at its fiftieth session (A/50/36). The first stage consisted in an analysis by the staff of the Centre for Human Rights, which was followed by a review of the current organization and practices of the Centre with assistance from a consultancy firm. This led to the development of a vision of the future shape and nature of the support which should be given by the Centre to the human rights programme. The results were embodied in a Change Plan which contains projects for reorganization and refocusing in five areas: managing finances; managing human resources; managing information; managing relations with

other partners; and restructuring the Centre. These change projects were developed with the full participation of the High Commissioner, the Assistant Secretary-General for Human Rights and the staff of the Centre. The High Commissioner has periodically informed Member States of the progress being made in this area.

146. The results of the study, including the Change Plan, were submitted to the Secretary-General and to senior managers in New York and received their support. The phased implementation of the five change projects is now under way, in full accordance with United Nations rules and procedures and taking full advantage of existing United Nations resources and expertise. For certain aspects of the Change Plan expertise not available within the United Nations will be needed and a consultancy firm has been asked to provide assistance in those areas. A tripartite approach has been adopted in which the High Commissioner for Human Rights/Centre for Human Rights, the United Nations Administration and the consultancy firm will each make its own contribution and work together to support the restructuring of the Centre. The new administrative structure, which gives a place of importance to the right to development and economic, social and cultural rights, will be put into place progressively over the coming months.

147. The Change Plan foresees five very specific projects to help respond to these challenges. They are:

(i) Restructuring: This will align the management structure, roles, responsibilities and staffing resources of the Centre for Human Rights with its mission and value chain so that responsibilities of groups and individuals are clear and coherent, there is minimum overlapping and accountability for performance is clear at all levels.

(ii) Managing finances: This will provide a practical framework which enables the Centre's management team to forecast, plan and monitor the income and expenditure of the human rights programme in relation to operational activities and managerial responsibility.

(iii) Managing human resources: This will make optimum use of present and future staff resources by identifying the competencies required for the key roles established in the restructuring and by adapting staff management and development processes in order to constantly improve the match between the needs of the Centre and the competencies of its staff.

(iv) Managing information: This will develop a coherent vision of how the human rights operation will use, process, manage and distribute information in the foreseeable future, internally and externally, in order to implement the value chain. It will also develop a view of how information technology will be used to support the information management processes.

(v) Managing the transition: This will ensure that all those affected by or who can significantly affect the success of the Change Programme are kept well informed. It will also ensure that guidance, coaching and training are delivered as required to support the implementation of the Change Plan so as to cut out delays and get the benefits of change as quickly as possible.

148. The restructuring is not an end in itself but the beginning of a process of reform in the Centre for Human Rights aimed at increasing the responsiveness and effectiveness of the action of the United Nations in the field of human rights while ensuring full transparency in methods and procedures and high quality of the services provided.

B. Reforming the United Nations human rights machinery

149. Once the process of restructuring the Centre for Human Rights has been finalized, it will be necessary to apply the basic concept of reform to the whole machinery of the United Nations in the field of human rights. The opinions of the members of the treaty bodies, special representatives of the Secretary-General, members of working groups of the Commission on Human Rights, and special rapporteurs will be adequately taken into consideration by the High Commissioner in order to seek ways collectively to rationalize, adapt, strengthen and streamline the United Nations human rights machinery and in particular to improve the coordination, efficiency and effectiveness of the United Nations human rights organs, in keeping with the Vienna Declaration and Programme of Action and General Assembly resolution 48/141.

150. The output from this exercise could provide the High Commissioner with advice on the basis of which to make recommendations with respect to necessary and demanded change and improvement in the United Nations human rights machinery. This exercise is in keeping with the process of reform which the United Nations is currently undergoing and to which the Secretariat, Member States and others are committed. The High Commissioner intends to report regularly to the Commission on Human Rights on the progress made in this connection.

V. EMPOWERING THE UNITED NATIONS FOR HUMAN RIGHTS

A. Regular budget resources

151. As far as the level of resources from the regular budget for the Office of the High Commissioner/Centre for Human Rights is concerned, the 1996-1997 biennium budget approved by the General Assembly represented the minimum necessary in order to carry out mandated activities. In February 1996, however, the resources from that budget had to be reduced by US$ 2.6 million both for post and non-post items as a result of the grave financial crisis of the Organization. That reduction represents approximately 6 per cent of the approved budget. Furthermore, a vacancy rate of 6.4 per cent will have to be maintained for both Professional and General Service posts. These measures are serious and may have negative implications for the work of the Centre for Human Rights at a time when the implementation of the restructuring exercise is under way. Every effort will be made to minimize the impact that this situation may have on the capacity of action of the High Commissioner and the

Centre for Human Rights and, at least in the short-term, to offset possible shortfalls through expected gains in efficiency, not least from the restructuring exercise. The medium- and long-term capability of the human rights programme depends on an adequate and reliable mix of regular budget resources and voluntary contributions from Governments and private entities.

B. Voluntary funding

152. The High Commissioner has been entrusted with a very broad mandate whose scope is not sufficiently reflected in the limited financial and personnel resources with which his Office and the Centre for Human Rights have been endowed. In order to conduct his work in those countries where his initiatives and cooperation are necessary and welcome, the High Commissioner must rely on a predictable source of funding which unavoidably must come from voluntary sources. The ever-growing demand on his Office and the Centre to engage in such areas as confidence-building measures, technical cooperation, education, observation and monitoring, cannot be satisfied to maximum potential by regular-budget funding and thus other sources must be tapped.

153. In keeping with the spirit and accepted principle of the universality of human rights, it is incumbent and ever-more necessary for States, collectively or individually, to demonstrate greater financial commitment to this cause. The challenges and dynamic nature of human rights promotion and protection, further accentuated by the adoption of the Vienna Declaration and Programme of Action and the establishment of the post of High Commissioner for Human Rights, necessitate commensurate political will and financial solvency. The High Commissioner regularly appeals to Member States and others to contribute generously to his endeavours in the field, which should represent an alliance of efforts.

154. In keeping with present requirements, the amount necessary to cover such field activities would be some US$ 25 million per year.

155. For emergency human rights situations, emergency responses will have to be devised beyond the level of voluntary funding for normal field activities. In this connection, Member States may wish to consider the suitability of creating a human rights revolving fund for that purpose, which would be managed by the High Commissioner/Centre for Human Rights exclusively for emergency human rights field activities.

C. Fundraising

156. As part of the restructuring of the Centre for Human Rights, the High Commissioner will take urgent steps in order to establish a professional fund-raising capability in his Office and the Centre. This action, in addition to providing more funds for human rights field activities, will also help ensure greater transparency with regard to those activities, to the resource requirements for them and to the status of the budget at any given time. The aim of such a professional fund-raising capability will be to address permanently the issue of resources for field activities and to provide donors with a high degree of predictability with respect to the related resource requirements.

VI. MAKING A DIFFERENCE IN THE LIVES OF PEOPLE

157. In only two years of existence and while pursuing an intensive agenda of activities, the Office of the High Commissioner for Human Rights has already become a solidly established institution, forging a new and more optimistic era of cooperation for the promotion and protection of all human rights.

158. The action of the High Commissioner for Human Rights has contributed to mobilizing the commitment of Governments, international organizations, NGOs and public opinion to work more closely together for the realization of human rights and fundamental freedoms. His primary objective has been to render international human rights norms more operative and the action of the United Nations Secretariat more responsive and adapted to this objective.

159. In this period, corresponding to the first half of his mandate, the High Commissioner has put into motion a process of restructuring of the Centre for Human Rights in order to help it to adapt to the evolving needs and demands of the human rights agenda which emerged from the 1993 Vienna Declaration and Programme of Action.

160. Technical cooperation and advisory services are also playing an ever-increasing role in the human rights programme as a greater number of Member States request support for their own efforts to advance human rights promotion and protection.

161. The High Commissioner believes that the fifty-second session of the Commission on Human Rights is a timely forum for stressing the need to ensure that human rights continue to occupy a prominent place on the international agenda and that the mechanisms established to this effect are empowered with the means to do so. The High Commissioner will provide the stewardship of the United Nations human rights activities and relies on the support of the members of the Commission on Human Rights, as well as others, to contribute actively towards giving true and practical meaning to the common purpose of making human rights a reality.

162. The High Commissioner considers that these first two years have been fruitful for the United Nations human rights programme. Member States have indeed expressed in the General Assembly and other intergovernmental forums strong support and appreciation for the results achieved so far. Similar expressions of support have been received from the wider human rights community. However, a formidable challenge still lies ahead which must be addressed in partnership with all those concerned with human rights. Crucial to this alliance is the need jointly to confront the most severe financial crisis in the history of the United Nations, which threatens to impair its ability to respond effectively to the mandates bestowed on it by Member States. The United Nations human rights programme has not remained unaffected by this phenomenon. Nevertheless, it is making all efforts to maximize its few resources in order to uphold, preserve and build upon the important achievements which have thus far been obtained. The High Commissioner views this fundamental task as a moral obligation for all.

163. To succeed in the implementation of the objectives of the United Nations human rights programme will not only require that the necessary resources are placed at the disposal of the High Commissioner but also that greater coordination is achieved with the operational programmes and agencies of the United Nations in order to bring human rights and their enjoyment closer to the millions of women, children and men who, still today, are victims of violations.

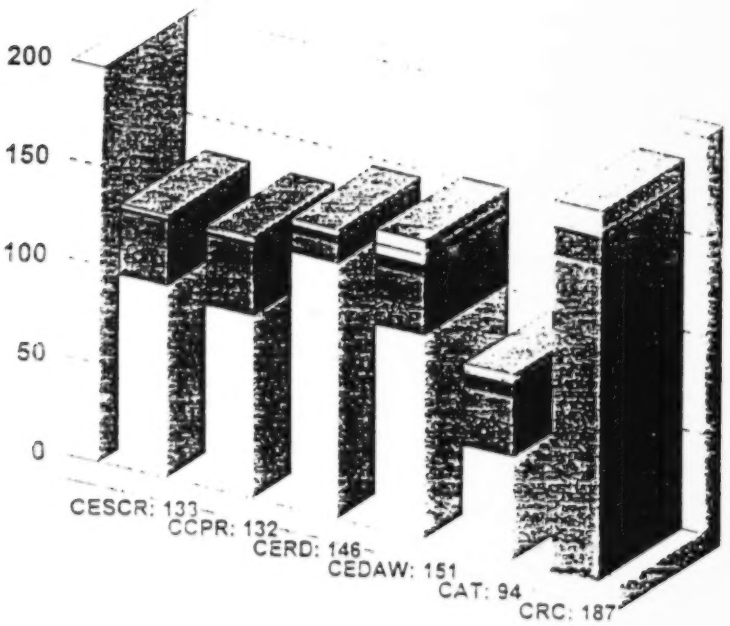
164. A suitable investment in human rights is not only worth making, it also pays off: one dollar invested in human rights today means thousands of dollars saved in emergency humanitarian assistance tomorrow, not to mention the incalculable human suffering and personal tragedies that would be avoided.

165. The High Commissioner has tried to the best of his ability to provide appropriate and effective responses to the multiple challenges he faces at a time of great change and adaptation at the end of this millennium. The High Commissioner is guided by the spirit that made possible the Vienna Declaration and Programme of Action. In order to succeed in this task, he will continue to need the support which Member States, international organizations, United Nations agencies and NGOs have given him so far.

Statistical annex

Ratification of human rights treaties

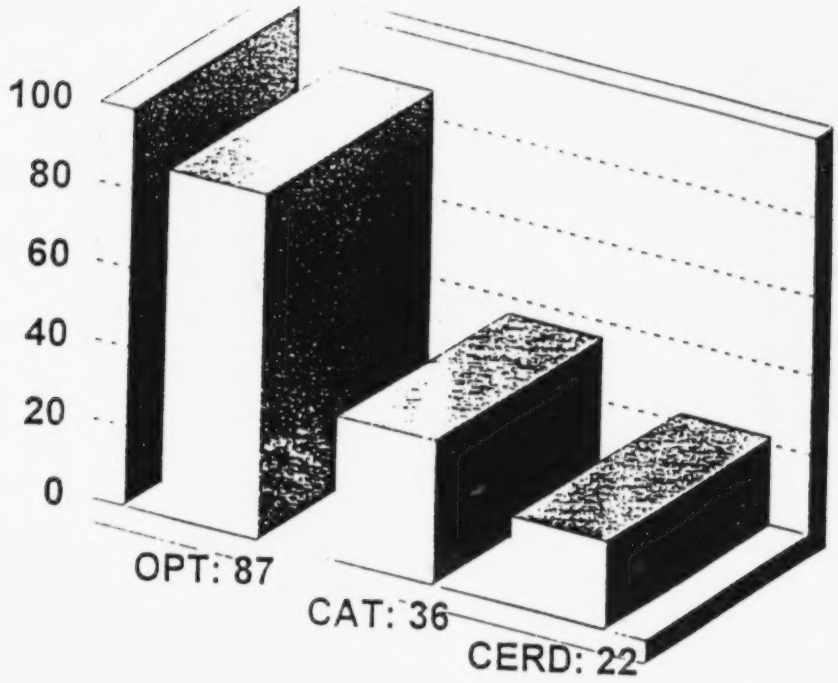
1990-1996



CESCR: International Covenant on Economic, Social and Cultural Rights
CCPR: International Covenant on Civil and Political Rights
CERD: International Convention on the Elimination of All Forms of Racial Discrimination
CEDAW: Convention on the Elimination of All Forms of Discrimination against Women
CAT: Convention against Torture
CRC: Convention on the Rights of the Child

Accessions: Communications procedures

1996



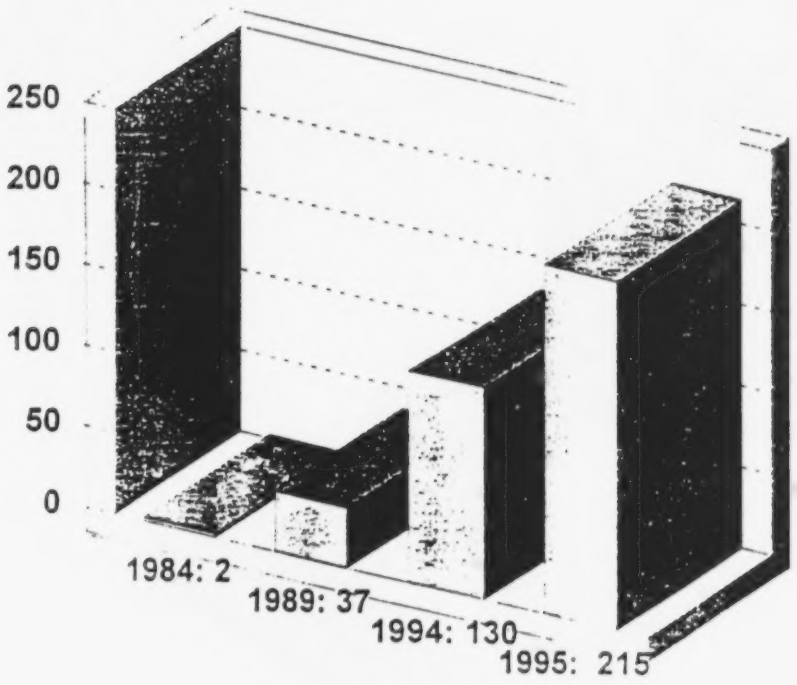
CERD: International Convention on the Elimination of Racial Discrimination - Declaration under article 14

CAT: Convention against Torture - Declaration under article 22

OPT: Optional Protocol to the International Covenant on Civil and Political Rights

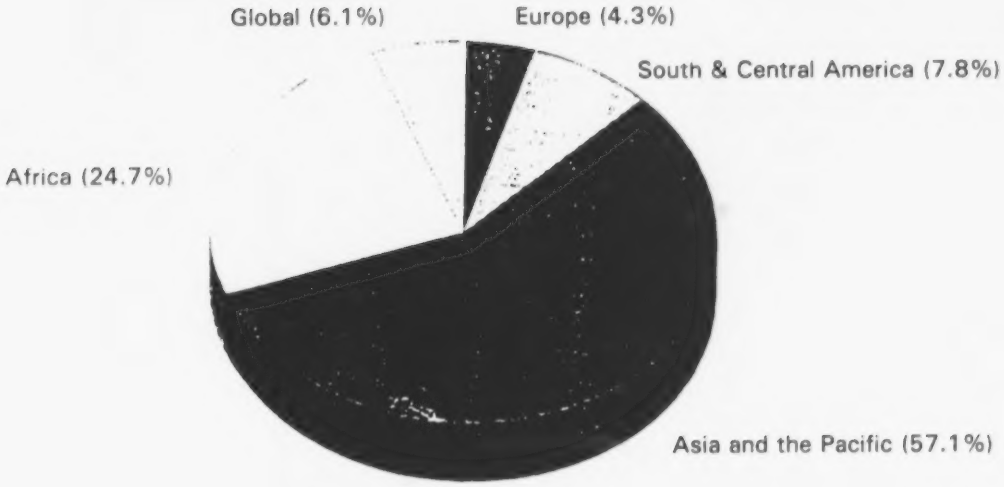
Technical Cooperation

Programme growth - Activities by year

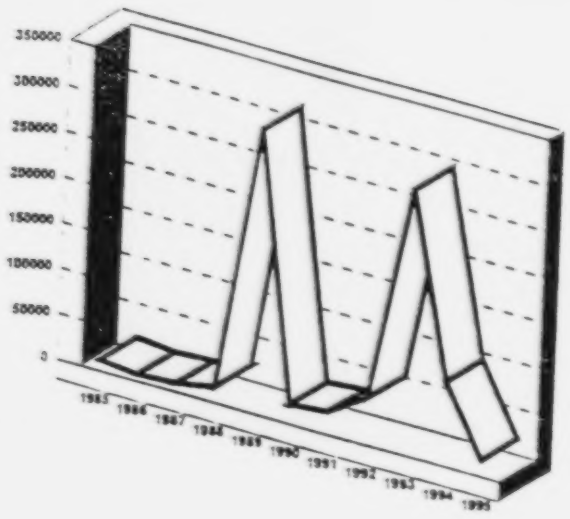


United Nations technical cooperation for human rights

Activities by region in 1995

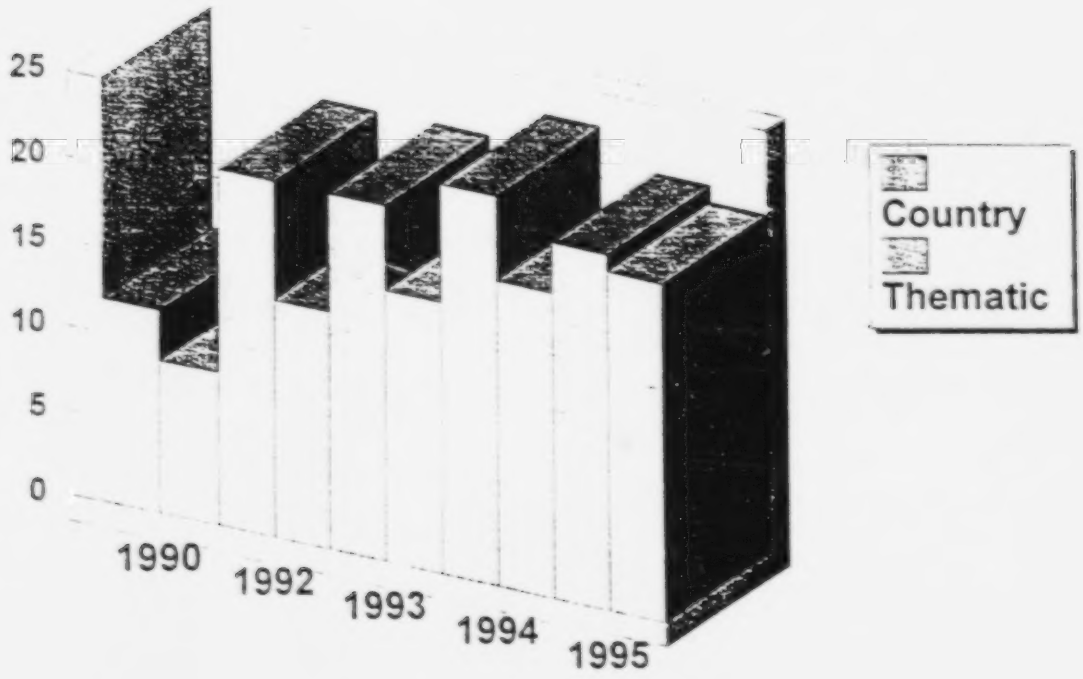


Number of communications received: 1985-1995



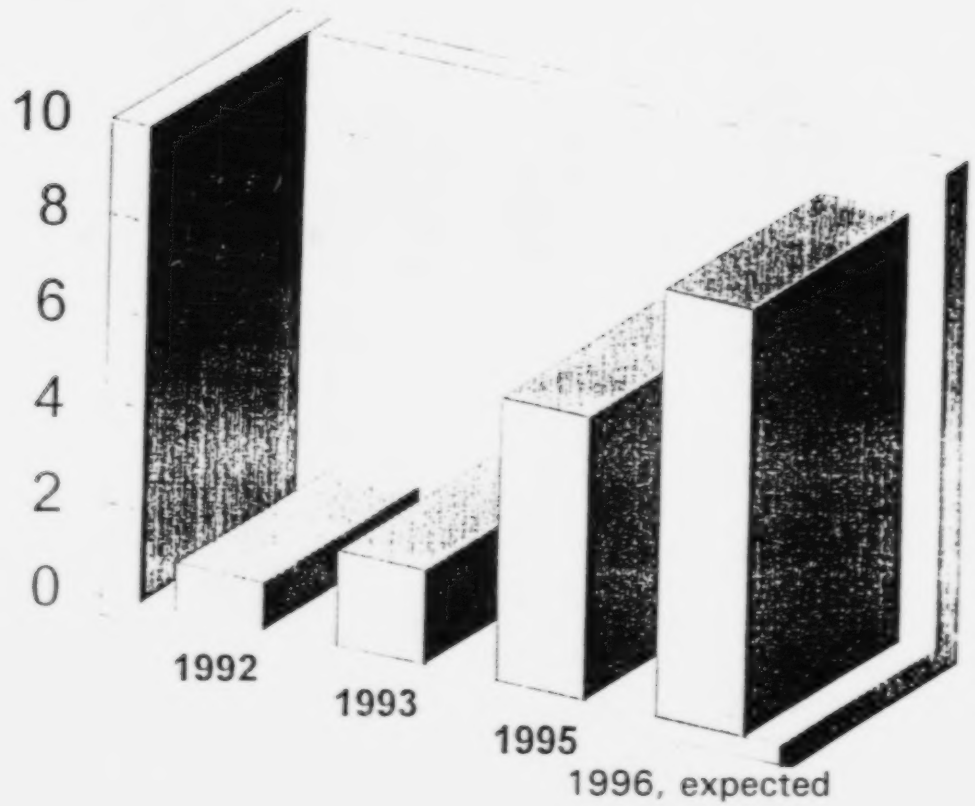
Special procedures

1990-1995



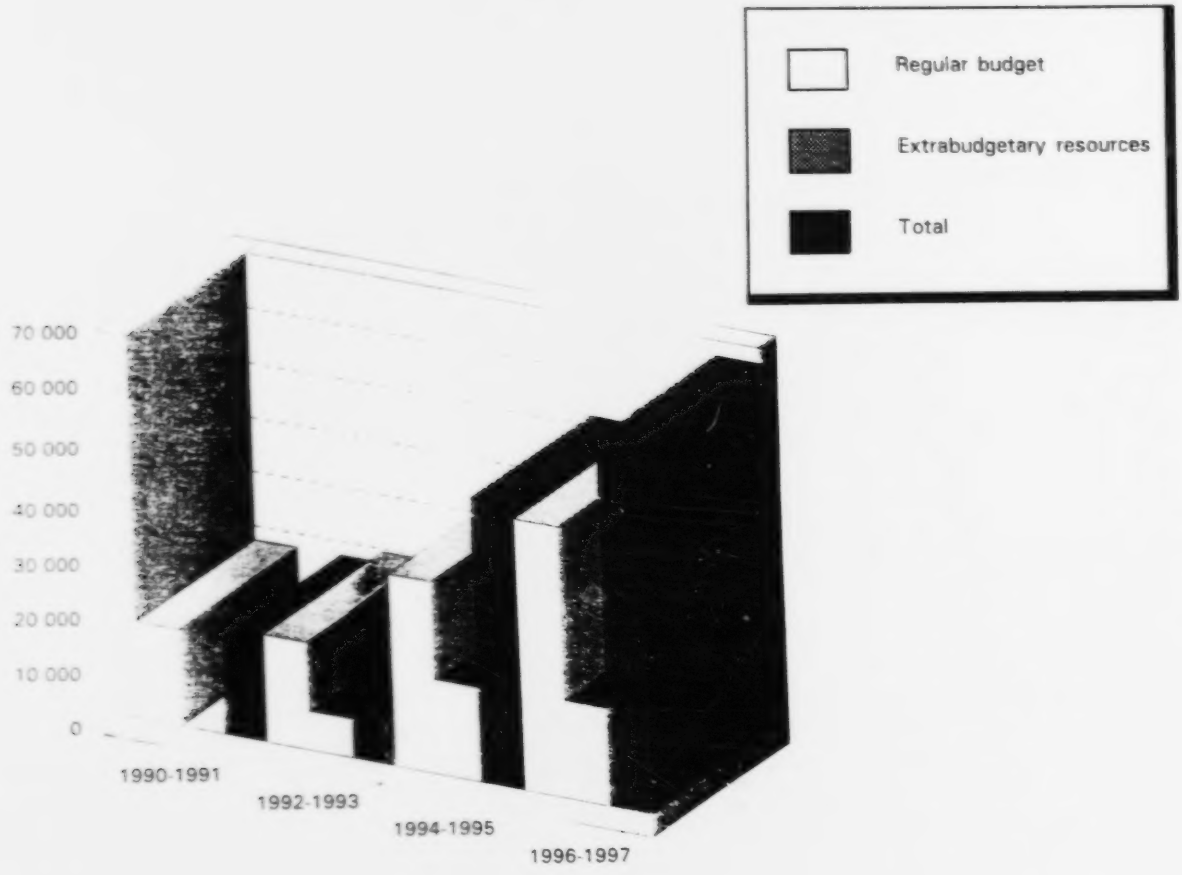
Field activities

1990-1996



Centre for Human Rights

Financial resources*



* Thousands of dollars.
1994-1995 and 1996-1997 data are based on estimations.

Biennium budget 1996-1997

Reduction due to financial situation